

REMARKS:

The Office action mailed June 12, 2007 has been received and carefully considered. A request for continued examination is filed herewith. Reconsideration of the application as amended hereby is respectfully requested.

Claims 1, 5, 6 and 11 were objected to due to various informalities which are believed to be corrected herein. Claim 14 was rejected as being indefinite and has also been amended to make the claim definite.

Claims 1 to 3, 5, 6 and 13 were rejected as being obvious over a combination of Schilder, Grunbichler and Johnson. It is urged that Claim 1 distinguishes over the cited references.

In particular, it is first noted that the device shown in Schilder is not a closure for placement between two spaced arms of another implant, but rather a stand alone bone screw that has different requirements from applicant's closure. The Schilder device does have a break off head and a pair of grooves along the periphery, but the break off head is not positioned in such a way to prevent access to the grooves, as called for in applicant's claims. It is a very important aspect of applicant's invention for the removal apertures to be blocked from tool access by the break off head to prevent a doctor from accessing the apertures during installation and over torquing the closure so that the threads are stripped between the closure and the receiving

implant. This is either not important to Schilder or he did not understand how to provide the structure because the bores in his device are clearly axially accessible.

The Grunbichler reference shows a head covering a body of a screw, but there is no suggestion to use such with an aperture in the body to protect the body from access. The Grunbichler reference is directed to a non removable bolt which is exactly opposite art from the present invention which is directed to a removable closure. Nothing in Grunbichler in any way teaches or suggest combination with Schilder to produce applicant's invention. In fact, because Grunbichler is non removable, it teaches and suggests away from applicant's invention.

While Johnson shows a bolt with a pass through bore, it does not have a way of protecting the bore in the body which is actually used in installation. Consequently, this patent also teaches and suggests away from applicant's invention.

Claim 14 was rejected as anticipated by Dent. Claim 14 calls for a body having bores and a break off head that has no pass through openings providing axial access to at least a portion of each bore when the head is attached to the body. This ensures that a doctor will not inadvertently or deliberately use a removal tool for installation of the closure and over torque the closure resulting in failure.

In each of the Dent devices showing apertures in the body

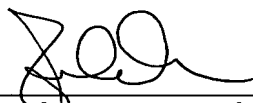
(Figures 9, 10, 14, 15 and 16), the apertures are clearly formed by drilling through the break off head, as seen in each drawing, thereby providing an opening through the head that is aligned with and provides axial access to the apertures in the body when the break off head is still attached to the body. This is in contradiction to what is claimed and certainly fails to anticipate the invention called for in Claim 14.

In summary it is urged that the pending claims distinguish over the cited prior art.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,

JCM:lm  
PO Box 30069  
Kansas City, Missouri  
64112  
Phone: (816) 531-3470

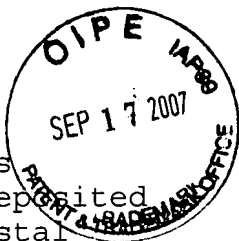


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John C. McMahon  
Reg. No. 29,415  
Attorney

Roger P. Jackson

Serial No. 10/767,646



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P.O. Box 1450,  
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September 12, 2007.

Roger P. Jackson  
(Applicant)

By

A handwritten signature of Roger P. Jackson, written in black ink, positioned above a horizontal line.

September 12, 2007

(Date of Signature)